

4363. Misbranding of "Dr. Simpson's Vegetable Compound." U. S. v. Thomas C. Davis and Eva J. Cole (Dr. A. B. Simpson Co.). Plea of guilty by defendant Cole. Fine, \$25 and costs. Indictment nolle prossed as to defendant Davis. (F. & D. No. 5957. I. S. No. 7993-e.)

On November 12, 1915, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned an indictment against Thomas C. Davis and Eva J. Cole, trading under the firm name of Dr. A. B. Simpson Co., Richmond, Ind., charging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on February 21, 1913, from the State of Indiana into the State of Ohio, of a quantity of "Dr. Simpson's Vegetable Compound," which was misbranded. The article was labeled: (On carton) "Doctor Simpson's Vegetable Compound contains Alcohol 11 per cent A Reliable Remedy for the following diseases: Scrofula, Old Sores, Boils, Ulcers, Inflamed Eyes, Pimples, Blotches, Eruptions, Erysipelas, all Diseases of the Skin, Inflammatory Rheumatism, Scald Head, Salt Rheum, Tetters, Diseases of the Liver, Constipation, Indigestion, and Syphilis in all its Forms. Dr. A. B. Simpson Co., Richmond, Ind." (On back of carton) "Home Testimony. The undersigned, citizens of Richmond, take pleasure in saying that we are acquainted with Dr. A. B. Simpson, and for the sake of suffering humanity we cheerfully recommend him and his treatment. Wm. H. Schlater, Clerk Circuit Court. S. S. Strattan, Treasurer Wayne Co., T. W. Bennett, Mayor of Richmond, Jos. P. Iliff, Chief of Police, Thos. C. Davis, Ag't U. S. Express Co. P. C. Graff, Ag't Adams Express Co. A remarkable case of syphilis. The following is a brief statement of facts: Mrs. Mary McClusky, a middle-aged woman, living in this city, early in March, 1884 was suffering from a well-developed case of Syphilis, and was treated for the same by two or more regular physicians for more than a year. Ulceration of the face and arms had taken place. Her eyesight was nearly gone, she became entirely helpless, and her physicians gave up the case. Being without means she became a county charge, and was removed to the Poor House where she was treated by the regular doctor of that institution from the last of July until April 16th, when he abandoned the case and pronounced it hopeless, and remarked that any man who said he could cure her was a fool. At this time, when all the features of her case had assumed the most aggravated form, Dr. A. B. Simpson, of this city, took her case by permission and at the request of the County Commissioners. The wonderful result was that she returned to Richmond in forty days, so much restored as to be able to do her work, enjoying quite good general health. To use her own language, 'I now enjoy good health, and my relief is all owing to Dr. Simpson's wonderful medicine'. 'The undersigned, Commissioners of Wayne County certify that the foregoing statement in regard to the case of Mrs. McClusky is true and correct to our personal knowledge.' John Elliott, Township Trustee, Isaac A. Gormon, Sheriff Wayne County, James W. Gormon, Superintendent Poor House. John Bowman, George Hindman, Thomas Hunt, Commissioners Wayne Co., Ind. Many hundreds of Testimonials could be given if space permitted. See enclosed circulars." (On sides of carton) "A natural remedy for Blood Poisoning." (On top flap) "No. 1176. Guaranteed by Dr. A. B. Simpson Co. under the Food and Drugs Act, June 30, 1906." (On bottle) "Dr. A. B. Simpson's Vegetable Compound Contains 11 per cent alcohol. Alterative or Blood Purifier for all diseases depending on a depraved condition of the blood. Scrofula, Scrofulous Diseases of the eyes, or scrofula in any form, and erysipelas. Old sores, Boils or Ulcers, Pimples, Blotches and any disease or eruption of the skin, Rheumatism and pains in the Limbs, Bones etc. Builds up

Constitutions broken down from Mineral or Mercurial Poisons and gives relief in Cases of Painful Menstruation. Should be used by all requiring a remedy to make pure Blood. Scald Head, Salt Rheum, Tetters, Long Standing Diseases of the Liver, Catarrhal affections of all kinds. For Syphilis or the diseases that it entails. Directions Ordinary Dose: Two tablespoonsful three times a day, before or after meals, or any dose that will move the bowels twice a day. Manufactured by Dr. A. B. Simpson Co. Richmond, Indiana." (Blown in bottle) "Dr. A. B. Simpson's Vegetable Compound." The circular or pamphlet accompanying the article contained, among other things, the following: "Specific for the following diseases: Scrofula, Old Sores, Boils, Ulcers, Inflamed Eyes, Pimples, Blotches, Eruptions, Erysipelas, all Diseases of the Skin, Inflammatory Rheumatism, Scald Head, Salt Rheum, Tetters, Diseases of the Liver, Constipation, Indigestion and Syphilis in all its forms."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (per cent)-----	11.98
Ash (per cent)-----	1.31
Sugars (invert) (per cent)-----	0.57
Sugars (sucrose) (per cent)-----	7.60
Potassium iodid (per cent)-----	1.3
Alcohol (per cent)-----	13.2
Vegetable extract (by difference) (per cent)-----	2.5
Podophyllum, licorice, and gentian: Indicated.	

A sweetened hydroalcoholic solution of potassium iodid and a small amount of vegetable extractive, in which podophyllum, licorice, and gentian are indicated.

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "A Reliable Remedy for the following diseases: * * * Erysipelas, all Diseases of the Skin, Inflammatory Rheumatism, Scald Head, Salt Rheum, Tetters * * *," and included in the circular or pamphlet aforesaid, to wit, "Specific for the following diseases: * * * Erysipelas, all Diseases of the Skin, Inflammatory Rheumatism, Scald Head, Salt Rheum, Tetters * * *," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a reliable remedy and specific for erysipelas, all diseases of the skin, inflammatory rheumatism, scald head, salt rheum, and tetters, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents. Misbranding was charged for the further reason that the following statement, appearing on the label aforesaid, to wit, "11 per cent Alcohol," was false and misleading in that it indicated to the purchasers thereof, and created in the minds of purchasers thereof the impression and belief, that the articles contained 11 per cent of alcohol, when, in truth and in fact, it contained a greater amount of alcohol, to wit, 13 $\frac{2}{5}$ per cent of alcohol by volume. Misbranding was charged for the further reason that the following statement, appearing on the label aforesaid, to wit, "Vegetable Compound," was false and misleading in that it indicated to the purchasers, and created

in the minds of purchasers thereof the impression and belief, that the article consisted wholly of a compound of vegetables, when, in truth and in fact, it did not, but consisted of, to wit, a hydroalcoholic solution containing potassium iodid and a small amount of vegetable extractives, among which podophyllum, gentian, and licorice were indicated.

On November 30, 1915, the defendant Cole entered a plea of guilty to a part of the indictment, and the court imposed a fine of \$25 and costs. The indictment was nolle prossed as to the defendant Davis.

C. F. MARVIN, *Acting Secretary of Agriculture.*